

REMARKS

The Examiner's Action mailed on September 11, 2006, has been received and its contents carefully considered.

In this Amendment, Applicants have editorially amended the specification, and various ones of the claims. Further, claims 16 and 17 have been added to the application. Independent claim 16 includes the subject matter of allowable claim 7, intervening claims 5 and 6, and base claim 1. Independent claim 17 recites the invention in a slightly different manner than independent claim 1. Claims 1, 16 and 17 are the independent claims, and claims 1-17 are pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

Initially, it is noted with great appreciation that the Examiner considers the subject matter of original dependent claim 7 as being allowable over the art of record. As note above, independent claim 16 has been presented, which includes the subject matter of allowable dependent claim 7, thus placing claim 16 in *prima facie* condition for allowance.

The Examiner has rejected claims 13 and 14 as being indefinite. Upon review, it was noted that both of these dependent claims should have depended individually from dependent claim 12. As such, the dependency of both these claims has been changed so that these claims now depend directly from dependent claim 12. It is submitted that the claims comply with all provisions, and it is requested that these rejections be withdrawn.

AMENDMENT of December 7, 2006

10/828,503

The Examiner has rejected claims 1-5 and 11 as being anticipated by *Grafenstein*. It is submitted that these claims are *prima facie* patentably distinguishable over the cited reference for at least the following reasons.

It is well settled that a reference may anticipate a claim within the purview of 35 U.S.C. § 102 only if all the features and all the relationships recited in the claim are taught by the referenced structure either by clear disclosure or under the principle of inherency.

Applicants' independent claim 1 is directed to a column hole cover which includes, *inter alia*, a cylindrical main body that includes a first annular end portion, a second annular end portion, and an intermediate portion between the first and second end portions. The second end portion includes an annular seal. The Examiner's Action has equated feature 6 shown by the cited reference as being an intermediate portion, as recited by claim 1, and the feature 7 as being a second annular end portion, as likewise recited by claim 1. However, and in contrast to the present invention, and contrary to the assertion made by the Examiner's Action, this reference discloses forming the seal 5 (referred to in the reference as being an elastic hollow bead) on the feature 6, which feature the Examiner has equated as being an intermediate portion. However, claim 1 recites that the annular seal is on the second end portion, and not the intermediate portion. In order for this reference to anticipate Applicants' claim 1, it would be necessary to form the seal 5 on the feature 7, rather than on the feature 6. However, this is not disclosed by the cited reference. As such, it is respectfully submitted that the

Examiner's Action has failed to establish a *prima facie* case of anticipation against independent claim 1. As such, it is requested that independent claim 1, and the claims dependent therefrom, be allowed and that these rejections be withdrawn.

The Examiner has rejected various ones of the dependent claims as being obvious over various ones of the cited references. However, since the various cited references do not overcome the above-noted deficiencies of *Grafenstein*, it is submitted that the various dependent claims are all *prima facie* patentably distinguishable over the cited references for at least the same reasons as independent claim 1, from which these claims depend, as well as for the additional features recited therein. It is requested that these rejections all be withdrawn and that these claims all be allowed.

Applicants have also added independent claim 17 which is submitted to be *prima facie* patentably distinguishable over the cited references for reasons similar to those presented above with respect to independent claim 1. Moreover, this claim is additionally submitted to be *prima facie* patentably distinguishable over the cited references in that the cited references do not disclose or otherwise suggest the specific configuration of the cylindrical main body as recited by this claim. It is requested that this claim be allowed.

It is submitted that this application is in condition for allowance. Such action, and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Should any fee be required, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and advise us accordingly.

Respectfully submitted,



December 7, 2006

Date

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